

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ANTOINE DAVIS

PLAINTIFF

v.

Case No.: 06-5148

DR. HOWARD;
NURSE SHIRLEY MOSS,
in both individual and official capacities

DEFENDANTS

ORDER

On November 13, 2007, Defendants filed a summary judgment motion. (Doc. 18). To assist plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider Plaintiff's response to the questionnaire in issuing an opinion on the summary judgment motion.

For this reason, Antoine Davis is hereby directed to complete, sign, and return the attached response to Defendants' summary judgment motion on or before **February 11, 2008**. Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 10th day of January 2008.

/s/ J. Marschewski
HONORABLE JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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RESPONSE TO SUMMARY JUDGMENT MOTION

TO: ANTOINE DAVIS

On November 13, 2007 Defendant filed an Motion for Summary Judgment. (Doc. 18). Accordingly, these questions and answers will serve as your response to Defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **February 11, 2008**.

In your original complaint, you claimed inappropriate deductions were made from your inmate account. On March 7, 2007 this Court filed a report and recommendation that those claims be dismissed. (Doc. 11). The report and recommendation was adopted by the Honorable Jimm Larry Hendren, Chief United States District Judge for the Western District of Arkansas, on April 10, 2007. (Doc. 13). Accordingly, the only issue remaining in the case is your claim that you were denied adequate medical care by Dr. Howard and Nurse Shirley Moss.¹

1. You stated (Doc. 10, ¶ 14) that you are suing the Defendants in their individual and

¹ The Court notes Defendants addressed the deduction claims in their Motion for Summary Judgment (Docs. 18, 19, 20). However, those claims were clearly dismissed by the Order adopting the Report and Recommendation made by this Court and are no longer at issue in this matter. (Doc. 13).

official capacities. Explain below what custom or policy of Washington County caused you to be denied adequate medical care.

2. In the Addendum to the Complaint (Doc. 10, ¶ 5 and 6) you state that you were not denied medical treatment because you did see the nurse and doctor, but that you disagree with the treatment offered because the doctor never gave you a full examination, had x-rays performed, or had other tests performed to find out the cause of your shoulder pain.

Answer: Agree____ Disagree_____

If you disagree, explain below, including an explanation of your answers in the addendum.

3. In the Addendum (Doc. 10, ¶ 7) you state you were harmed by the defendants' refusal to have you examined by an outside doctor because an outside doctor would have examined you, taken x-rays, and treated the problem instead of letting it grow bigger. How do you know an outside doctor would have treated you as you allege?

4. What injury has occurred to you as a result of you not getting the treatment you feel was proper?

5. Since the time of your injury, have you had a second opinion regarding your injuries?

Answer: Yes _____ No _____

If yes, explain whom you saw and the result of that examination. If no, explain why you did not continue to seek treatment.

6. Each time you submitted a medical request/grievance, you were seen by the nurse or doctor and given medication or other treatment for your complaints.

Answer: Agree _____ Disagree _____

If you disagree, explain below, including an explanation to Defendants' exhibit 3 to Document 20. Include what dates you submitted a medical request/grievance and were NOT seen by the doctor or nurse and/or what dates you were not given medication or other treatment for your

complaints.

7. Are you seeking to recover for a physical injury?

Answer: Yes_____ No_____

If yes, explain or describe the physical injury for which you seek to recover.

Detail below any further response you would like to make to defendants' summary judgment motion. If you have exhibits (including additional medical records) you would like the court to consider, you may attach them to this response.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND

CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2008.

ANTOINE DAVIS